

REMARKS/ARGUMENTS

Reconsideration of this application in light of the above amendments and following comments is courteously solicited.

The claims have been amended so as to overcome the objections raised by the Examiner in paragraphs 1, 2 and 3 of the Office action dated September 19, 2008.

Independent claim 1 has been amended so as to distinguish over the cited and applied prior art references. Independent claim 1 now sets forth with specificity a first region inside the container for storing a product and a second region inside the container for loading the applicator with the product. This structure is not shown, disclosed, nor rendered obvious by the cited and applied prior art references.

U.S. Patent 6,142,692 to Garcia is drawn to a cosmetic product distributor intended for make-up. A review of the drawings and specification of the '692 patent clearly indicates that the region for storing the cosmetic product is not in the container but rather in the handle of the applicator. The handle of the applicator is screwed to the container. Accordingly, the Garcia reference cannot be said to anticipate nor render obvious the structure of the application device as set forth in independent claim 18.

The second reference applied by the Examiner is U.S. Patent 3,008,172 to Thompson. The '172 patent is drawn to a shoe polish applicator. With reference to Figure 3 in the specification, it is clear that the container (34) of the Thompson device does not contain a first region for storing a product. Accordingly, it is submitted that claim 18 clearly defines over the Thompson '172 patent.

In addition to the foregoing, it is respectfully submitted that the dependent claims contain patentable significance in their own right. Specifically, the details of dependent claims

23 and 24 are not at all shown, disclosed, nor rendered obvious by the cited and applied prior art references. In addition, the details claimed in dependent claims 24-28 are likewise not shown nor disclosed in the prior art.

In light of the foregoing, it is submitted that all of the claims as pending patentably define over the art of record and an early indication of same is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

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